UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,712	09/27/2000	Kenneth Austin	ROY-007	9535

2387	7590	06/01/2006	

OLSON & HIERL, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, IL 60606

EXAMINER
ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/601,712	AUSTIN, KENNETH
	Examiner	Art Unit	
	Christopher Onuaku	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 March 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32 and 36-47* is/are pending in the application.

    4a) Of the above claim(s) *36-39 and 47* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-32&40-46* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *27 September 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *9/27/00&7/20/01*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 3/17/06 have been fully considered but they are not persuasive.

With reference to claim 1, applicant argues that Yuen fails to disclose the limitation wherein the applicant's system requires that the position determining and identification means employ signals from the video output terminal to determine video media position and identify the contents of the video media.

In response, to reproduce (or to output) a recorded program, the related information (e.g., date, time, channel, length or program ID and/or program address) of the program is used to facilitate the search and reproduction of the program. For the program to be output or reproduced, the reproducing means must inherently have a "video output terminal".

With reference to claim 18, applicant argues that paragraph #0176 does not disclose memory storing data facilitating the reproduction of the image of at least one frame of a sequence. Examiner disagrees.

In response, examiner reminds the that paragraph #0176 describes the memory structure of the RAM 33 (see Fig.2), which, for example, includes paragraph #0178 of page 9. In paragraph #0178, Yuen discloses area 1010 which stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL)

data of future recordings. The CDTL data facilitates reproduction of the programs or

sequences, which sequences or programs are stored in tape 42.

With reference to claim 43, applicant argues that the paragraphs from Yuen cited

by the Examiner do not disclose graphical user interface adapted to display information

relating to television program content and/or data content from other sources. Examiner

disagrees.

In response, examiner refers the applicant to paragraph #0427 wherein Yuen

discloses the display of PRI data and PLUSCODE data. The information transmitted as

part of PRI in the VBI may be captured and displayed on screen at the command of the

user. Examples of PRI include a "PLUSCODE TM" number (which is a number relating

to a program) which may be provided so that at the press of a single button the

"PLUSCODE TM" number is used to program the indexing VCR 10 to record requested

program.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-32 and 40-46 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yuen et al. (US. 2003/0194200 A1).

Regarding claim 1, Yuen et al discloses a video storage media control signal

(Fig. 1) comprising means (microprocessor controller 31 and VCR control logic 21 of

Fig. 1, page 7, paragraph #0162) operable to control a video media storage device with

a video output terminal, means (page 9, paragraphs #0182, #0183, and #0184) for

determining video media position, means (page 15, paragraphs #0255 and #0257) for

identifying the contents of the video media and the position thereof on the media,

means (page 43, paragraphs #0531 and #0539) for determining the amount of media

available for recording, be it unrecorded media or portions thereof selected as available

for recording over, and means (page 43, paragraphs #0539, #0540, and #0541)

providing display of control menus from which video media storage device control

options can be selected including selection of material to be recorded and characterized

in that the means for determining video media position and the means for identifying the

content of the video media are based on signals present on the video output terminal

(page 15, paragraphs #0255 and #0257).

Regarding claim 2, Yuen et al discloses the claimed that the video media position

is determined by reading position data recorded on the video storage media (page 15,

paragraphs #0255 and #0257).

Regarding claim 3, Yuen et al discloses the claimed that the video media position

is determined by establishing a match or relationship between a data sequence or data

value generated from contents of the media with data sequence or data value

generated from contents of the media with data sequences or a data value stored in the

memory for one or more video media to which data sequences or a data value

incorporate position related information (page 15, paragraphs #0255 and #0257).

Regarding claim 4, Yuen et al discloses the claimed means (page 11, paragraph

#0207) for automatically controlling the video media storage device transport functions

to locate a desired position on the video media storage devices.

Regarding claim 5, Yuen et al discloses the claimed that the video media storage

device is a tape storage device (page 11, paragraph #0207).

Regarding claim 6, Yuen et al discloses the claimed that the means for

determining video media (tape) position is based on signals or data received from a

tape reading means (page 15, paragraphs #0255 and #0257).

Regarding claim 7, Yuen et al discloses the claimed that control is instigated

using an infrared control signal (page 14, paragraph #0248).

Regarding claim 8, Yuen et al discloses the claimed means for encoding the data

to be recorded on the tape at prescribed intervals (page 15, paragraphs #0255 and

#0257).

Regarding claim 9, Yuen et al discloses the claimed that the data comprises one

or more of time code, frame number, total frames and session name (pages 10-11,

paragraph #0202).

Regarding claim 10, Yuen et al discloses the claimed wherein the data is

recorded in selected vertical blanking intervals (page 15, paragraphs #0255 and #0257).

Regarding claim 11, Yuen et al discloses the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device (page 11, paragraph #0207).

Regarding claim 12, Yuen et al discloses the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position on the tape (page 15, paragraphs #0255 and #0257).

Regarding claim 13, Yuen et al discloses the claimed that multiple file indexes are recorded on the tape, one after each recording session (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 14, Yuen et al discloses the claimed that the successive file indexes are cumulative (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 15, Yuen et al discloses the claimed memory means (RAM 33 disclosed in page 9, paragraph #0176) external to the tape for holding the content of at least one file index.

Regarding claim 16, Yuen et al discloses the claimed that the signals received form the reading means are the video output signals of the video recorder which represent contents of the video media, be it the visible content, audio content or closed caption data other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value

stored in memory (page 11, paragraph #0207 and page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 17, Yuen et al discloses the claimed that the data sequence or data value for a plurality of video media are stored in memory (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 18, Yuen et al discloses the claimed that at least some of the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence (RAM 33 disclosed in page 9, paragraph #0176). Please note that paragraph #0176 describes the memory structure of the RAM 33, which, for example, includes paragraph #0178 of page 9. In paragraph #0178 discloses area 1010 which stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL) data of future recordings. The CDTL data facilitates reproduction of the programs or sequences, which sequences or programs are stored in tape 42.

Regarding claim 19, Yuen et al discloses the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 20, Yuen et al discloses the claimed means for sending commands to the apparatus to instigate positions of the video media at a desired position, and wherein he desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a

data sequence or data value generated from contents of the media with data sequences

or data vale stored in the memory for one or more video media, which data sequences

or data value incorporate position relate information and changing the position of the

video media until the desired position has been obtained (page 11, paragraph #0207

and RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 21, Yuen et al discloses means (page 11, paragraph #0207 and

RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and

#0524) for sending commands to the apparatus to instigate positioning of the video

media at a desired position, which position is selected from an on screen display, which

display comprises one or more screen images of the contents of the video media and

wherein the desired position is arrived at automatically by reading the video media to

obtain position information, direction or indirectly, and changing the position of the video

media until the desired position has been obtained.

Regarding claim 22, Yuen et al discloses the claimed that the contents are stored

in electronic memory or on video storage media, be it magnetic or optical, the index

comprising a plurality of images corresponding to each of the contents of the video

storage medium at different positions thereof and wherein the index is adapted to be

read and displayed on a television screen, enabling the selection of one or more of a

plurality of scenes of the recorded content (page 11, paragraph #0207 and RAM 33

disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 23, Yuen et al discloses the claimed that selection of the material to be recorded is selected from an electronic programming guide (page 32, paragraphs #0423 and #0424).

Regarding claim 24, Yuen et al discloses the claimed that the contents of the video media are stored in memory in the form of one or more images taken at intervals and images which are available for display on screen (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 25, Yuen et al discloses the claimed that each image has an associated sequence of images stored in memory which can be reviewed by a user command (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 26, Yuen et al discloses the claimed that the images comprise a sample of the contents of the video media at periodic intervals of the video medium (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, page 42, paragraphs #0523 and #0524, and page 15, paragraphs #0255 and #0257).

Regarding claim 27, Yuen et al discloses the claimed that the contents of the memory tape include audio signals (page 7, paragraph #0163).

Regarding claim 28, Yuen et al discloses the claimed that selection provisions allow a user to playback the video starting from the position of any one of the display images (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 29, Yuen et al discloses the claimed that the selection

provisions allow the user to mark the displayed images for recording over (pages 32-33,

paragraphs #0427 and #0428).

Regarding claim 30, Yuen et al discloses the claimed (1) issuing the necessary

commands to the video storage media device to enable it to play the associated media,

(2) reading the video media to determine the content and/or position thereof, (3) using

content and/or position related information to determine if sufficient room is available for

recording the selections, (4) using the necessary commands to cause said video

storage media device to record material based on said selections at a designated

position of the media based on calculations of the free space or space marked for

overwriting and wherein the contents and/or position of the video media are determined

from signals present on the video output terminal (page 11, paragraph #0207 and RAM

33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428,

page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and

#0541).

Regarding claim 31, Yuen et al discloses the claimed the contents and/or

position related information is determined by reading data recorded on the tape (page

11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42,

paragraphs #0523 and #0524).

Regarding claim 32, Yuen et al discloses the claimed the contents and/or

position related information is determined by comparing or verifying a relationship

between a sequence of data signals or a data value generated by reading the contents

of the tape with a pre-stored sequence of data signals or data value (page 11,

paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42,

paragraphs #0523 and #0524).

Regarding claim 40, Yuen et al discloses the claimed a graphical user interface

adapted to display information relating to television program content and/or data content

from other sources such as the Internet and video recorder or other media device

content, wherein selections are made from said television program content and/or data

content from other sources for recording onto video tape or other media whereby

calculation of available free space on said video tape or other media is displayed and

whereby if insufficient space is available for recording original selections may be

modified and/or some or all of the video tape or other media contents may be selected

for overwriting (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph

#0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and

#0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 41, Yuen et al discloses the claimed that the graphical user

interface is adapted to display the status of items recorded on video tape or other media

as to whether the recorded item has been viewed (page 11, paragraph #0207 and RAM

33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428,

page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and

#0541).

Regarding claim 42, Yuen et al discloses the claimed that the graphical user

interface is adapted to display information relating to one or more video tapes or other

media contents, wherein the contents of said video tape or other media is displayed either graphically or texturally according to the category of the recorded material, said category could be the type of recorded material or whether the item is suitable for a particular age of viewer or whether the items have been viewed or any other criteria (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, page 43, paragraphs #0539, #0540, and #0541, and page 48, paragraphs #0622 and #0623).

Regarding claim 43, Yuen et al discloses a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and/or video recorder or other media device content, wherein said display information comprises a visual representation such as a picture indicating the contents of said television program content and/or data content form other sources such as the Internet and/or video recorder or other media device content (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 44, Yuen et al discloses the claimed that said visual representation are stored in memory, at least temporarily, to permit on screen display (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 45, Yuen et al discloses the claimed that the graphical user

interface is adapted to display television program content information by category such

as what is currently showing and/or what will be showing next and/or what is showing

that day and/or what will be showing that week (page 11, paragraph #0207 and RAM 33

disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428,

page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and

#0541).

Regarding claim 46, Yuen et al discloses the claimed to filter said television

program content by category of user preference such as channel number or type of

television program or other category (page 11, paragraph #0207 and RAM 33 disclosed

in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42,

paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
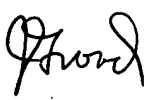
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO
5/27/06

James J. Groody
Supervisory Patent Examiner
Art Unit 262 2621